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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,749	04/02/2004	Richard C. E. Durrant	403FO001	1146

7590 05/20/2005

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EXAMINER	
HESS, DANIEL A	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,749	DURRANT ET AL.	
	Examiner	Art Unit	
	Daniel A. Hess	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13,15,17 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13,15,17 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to 2/17/2005 amendment, which has been placed in the file of record.

In the first action mailed 2/9/2005, the examiner indicated that certain claims would be allowable is stated in independent form. The examiner must change his position on these claims and is presently indicating that those claims would have been obvious. Because the examiner is changing his position herein, this action is non-final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanescu (US 6,784,802) in view of Renzoni (US 6,745,971).

See notably figure 1 of Stanescu.

Stanescu teaches (column 5, lines 45-65):

"The **Transponders** (Tags)

These are smart labels that contain information, which can be both read and written (modified), through a wireless interface.

One **transponder will be attached at each end of the patch cord** or cable. They can be embedded (over-molded) in the plugs or their boots, glued or simply wrapped around if incorporated in the form of a label.

They can be programmed at installation, e.g., through the "Local Monitoring Unit" or "Field Programmable Unit," can be factory installed and programmed, and can be used to trace the cords for stock or asset management.

The **transponder** corresponding to each plug stores information about the cable and the cabling system at its level in the hierarchy.

They can be either mounted on copper or **fiber optic** patch **cords**."

Stanescu further teaches (column 6, lines 4-18):

"The Readers

The readers include **miniature antennas attached to each jack**. They further include sensors that can be embedded, e.g., over-molded in each jack or can be presented as multiple readers, each reader corresponding to a jack. They can be put together on a PCB, on the same PCB with the jack circuit, mounted above ports on a **patch panel** or embedded in the **patch panel**.

The readers corresponding to a **patch panel** are connected together through a serial interface, for example having 3 wires, and then the cable of each patch panel daisy-chained to the next, the last one going to the "Local Monitoring Unit.""

Here it is to be noted that the readers are indeed transceivers, in as much as they communicate with the transponders. The transponders communicate with their respective jacks when there is sufficient proximity.

Stanescu fails to teach that connector type, purchase date, fiber length, grade and warranty are conveyed by the transponder.

Re claims 11, 13, and 17: Renzoni teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17).

In view of Renzoni's information, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known connector type information (claim 13), fiber length (claim 11) and purchase date (claim 17) in the transponder tag and communication system of Stanescu because as Renzoni clearly recognizes, these are all relevant data in putting together a good fiber network. Connectors must match, fiber length must be compensated for by necessary amplification, and purchase date indicates how old the fiber is.

Re claim 15: Fiber grade matching is important in building a fiber-optic network because one would not want to spoil a high grade network with a low grade fiber. Stoy (US 5,066,091) makes mention (column 14, lines 62-68) of the value of grade matching in replacing fibers in a system.

Warranty information is also understood in the art to be useful when maintaining a fiber optic network because if a fiber in the network is under warranty, it might be possible to recoup its costs.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include both grade and warranty information in the transponder of Stanescu along with the various other information that is already present because all of these pieces of information are relevant in building and maintaining an optical fiber network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koyasu et al. (US 20040184747) teaches a fiber with built-in RFID including some of the information recited in the above claims:

> [0038] Each **RFID element 23** has a built-in IC chip (not shown in the drawings) from and to which cable identifying information for identifying the cable from other cables can be read out and written in through transmission of electromagnetic energy, such as electromagnetic waves. This cable identifying information includes such items as the manufacturer, the **date of production**, the product name of the cable, the **length of the cable**, and details on the optical fiber ribbon 11 and the like. For this first embodiment, an electromagnetic induction method is used as the method for transmission of

electromagnetic energy, however a microwave method or electromagnetic coupling method can be used. A RFID element 23 of this first embodiment is 2.1 mm in diameter and 12 mm long.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DH

DANIEL STCYR
PRIMARY EXAMINER